IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

FRIDAY, THE 5TH OCTOBER 2007 / 13TH ASWINA 1929

WP(C).No. 29605 of 2007(S)

AGAINST THE ORDER IN CMP 106/2007 IN
MC.109/2006 of FAMILY COURT, MALAPPURAM
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PETITIONER:

V.V. RAFEEQ, AGED 32 YEARS,
S/O. HYDERHAJI OF VADAKATH VALAPPIL HOUSE,
KALADI AMSOM, DESOM, KALADI POST, PONNANI TALUK.

BY ADV. SRI.SUNIL NAIR PALAKKAT
SMT.R.LEELA
SRI.K.N.ABHILASH

RESPONDENTS:
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1. SHAJI MOL K.K., AGED 26 YEARS,
KARUVAN KATTUKAVIL VEEDU, D/O. AYAMU, RANGATTOOR,
NADUVATTAM P.O., KUTTIPPURAM VIA., TIRUR TALUK,
MALAPPURAM.

2. RASEENA, AGED 6 YEARS (MINOR),
REPRESENTED BY HER MOTHER AND NATURAL GUARDIAN
SHAJIMOL, KARUVAN KATTUKAVIL VEEDU, D/O. AYAMU,
RANGATTOOR, NADUVATTAM P.O., KUTTIPPURAM VIA.,
TIRUR TALUK, MALAPPURAM.

3. RISVANA SHERIN, AGED 3 YEARS (MINOR),
REPRESENTED BY HER MOTHER AND NATURAL GUARDIAN
SHAJIMOL, KARUVAN KATTUKAVIL VEEDU, D/O. AYAMU,
RANGATTOOR, NADUVATTAM P.O., KUTTIPPURAM VIA.,
TIRUR TALUK, MALAPPURAM.

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 05/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH & HARUN-UL-RASHID, JJ.

W.P(C)No.29605 of 2007

Dated this the 5th day of October, 2007

JUDGMENT

Kurian Joseph,J.

Petitioner is aggrieved since coercive steps have been taken compelling the petitioner to pay the entire arrears of maintenance in lump. It is submitted that all the proceedings were taken when the petitioner was abroad. Since warrant is pending, the petitioner is not able to approach the Family Court for any modification either, it is submitted. Petitioner submits that he may be permitted to deposit 50% of the arrears immediately and he will deposit the balance in three monthly instalments. Still further it is submitted that he is prepared to continue to pay the maintenance also. It is for the petitioner to move the Family Court in which case, in view of the submissions as above, the Family Court will pass appropriate orders before executing the warrant, in case the petitioner moves immediately.

The writ petition is disposed of as above.

(KURIAN JOSEPH, JUDGE)

(HARUN-UL-RASHID, JUDGE)

ahg.